

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

DELPHI CORPORATION, et al.

Debtors,

Chapter 11

Case No. 05-44481 (RDD)

(Jointly Administered)

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**RESPONSE TO DEBTOR'S THIRTEENTH OMNIBUS OBJECTION PURSUANT TO**  
**11 USC §502(B) AND FRBP 3007 CHAPTER 11**  
**and**  
**RESPONSE TO DEBTOR'S NOTICE OF OBJECTION TO CLAIM**

NOW COMES 1<sup>st</sup> Choice Heating & Cooling, Inc. (hereinafter "Creditor") by and through its attorneys, Clark Hill PLC and hereby responds to the above-mentioned Objection as follows:

Paragraphs 1 through 66 of the Thirteenth Omnibus Objection ("Objection") filed by Debtor are denied to the extent they seek to disallow the Proof of Claim filed by 1<sup>st</sup> Choice Heating & Cooling, Inc. on August 2, 2006, and Creditor further responds as follows:

A. Creditor is an HVAC mechanical contractor who provided physical improvements via labor and materials for HVAC mechanical contractor work to real property owned by Delphi Automotive Systems LLC in Ottawa and Kent Counties in the State of Michigan.

B. The pre-petition amount owed for said work is \$22,046.54, pursuant to the two (2) recorded Claim of Liens attached to Creditor's amended Proof of Claim, attached as Exhibit 1, less amounts paid by Debtor.

C. Creditor's original Proofs of Claim were received by the claims processing center on August 2, 2006, in the amounts of \$12,491.44 and \$9,555.10. Exhibit 2. Debtor objects to the

secured status of the \$9,555.10 claim in its Objection, which Creditor denies the basis of the Objection.

D. Creditor filed an Amended Proof of Claim, which was received by the claims processing center on May 15, 2007. Exhibit 1.

D. The Claims of Lien represent valid perfected security interests on the real property, as evidenced by the supporting documents to Creditor's Proof of Claim. Exhibit 1.

E. In addition, Creditor is owed for labor and materials for services performed post-petition on the property located in Kent County, which will be subject to a Motion for Administrative Expenses and a lien.

F. Delphi's Thirteenth Omnibus Objection to Claims classifies Creditor's claim as a claim requiring modification, and requests this court to revise Creditor's claim to an unsecured claim, despite the fact that the debt owed to Creditor is secured by construction Liens on real property owned by Debtor or its subsidiary or affiliate, as evidenced by Exhibit 2, and pursuant to MCL 570.1101, *et seq.*

G. Debtor Delphi Automotive Systems, LLC lists Creditor on its Schedule F as an unsecured non-priority claim in the amount of \$23,611.68. Creditor actually holds a secured claim in the amount of \$22,046.54, after all deductions and credits.

H. A reply to this response to objection maybe forwarded to Attn: Joel D. Applebaum and/or Matthew T. Smith, Clark Hill PLC, 212 E. Grand River Ave., Lansing, Michigan 48906.

WHEREFORE, Creditor respectfully requests that this Court deny Debtor's Objection and allow the amended Proof of Claim, as secured, in the amount of \$22,046.54.

Respectfully Submitted,

## Clark Hill PLC

Date: June 7, 2007

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